

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GLENDORA TURNER, individ-)	
ually and as Administratrix)	
of the Estate of)	
William Lee Turner,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:05cv702-T
)	
MERCK & CO., INC., a)	
foreign corporation,)	
et al.,)	
)	
Defendants.)	

ORDER

This lawsuit, which was removed from state to federal court based on diversity-of-citizenship jurisdiction, 28 U.S.C.A. §§ 1332, 1441, is now before the court on plaintiff's motion to remand. The court agrees with plaintiff that this case should be remanded to state court. The court agrees with plaintiff that there has been neither fraudulent joinder, Coker v. Amoco Oil Co., 709 F.2d 1433, 1440 (11th Cir. 1983); Cabalceta v. Standard Fruit Co., 883

F.2d 1553, 1561 (11th Cir. 1989), nor fraudulent misjoinder,
Tapscott v. MS Dealer Service Corp., 77 F.3d 1353, 1360
(11th Cir. 1996).

Accordingly, it is the ORDER, JUDGMENT, and DECREE of
the court that plaintiff's motion to remand (Doc. no. 11)
is granted and that, pursuant to 28 U.S.C.A. § 1447(c), this
cause is remanded to the Circuit Court of Bullock County,
Alabama.

It is further ORDERED that the motion to stay (Doc. No.
5) is denied and the motion to dismiss (Doc. No. 3) is left
for disposition by the state court after remand.

The clerk of the court is DIRECTED to take appropriate
steps to effect the remand.

DONE, this the 21st day of September, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE